

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ERIE COUNTY ENVIRONMENTAL
COALITION, et al.,
Plaintiffs,**

V.

**MILLCREEK TOWNSHIP SEWER
AUTHORITY, et al.,
Defendants.**

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)CIVIL ACTION NO. 05-59 ERIE
)ELECTRONICALLY FILED

**PLAINTIFFS' CONCISE STATEMENT OF FACTS IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT**

Plaintiffs, Erie County Environmental Coalition, PennEnvironment, and the Gaia Defense League (hereinafter “Plaintiffs”), pursuant to the Local Rules of Civil Procedure for the Western District of Pennsylvania L.R. 56.1.B.1. and L.R. 56.1.B.3., and as authorized by the Court’s Order of February 19, 2008, hereby submit the following to correct their Summary Judgment filing:

1. The Content of Plaintiffs' Concise Statement of Fact has been filed previously with the Court on April 20, 2007 at Docket #44 and styled as "Concise [sic] Statement Of Facts In Support Of Motion For Summary Judgment And In Response To Defendants Motion For Summary Judgment." Provided with the individually numbered facts therein are citations to pleadings and/or the Appendix.

2. Plaintiffs' Appendix has also been previously filed as a "Plaintiffs' Appendix to the Reply Brief" at Docket #53-1 which provides introduction and table of contents to the 84

page "Reply Appendix" at Docket #53-2. These documents were filed on May 5, 2006.

Furthermore, additional documents supportive of Plaintiffs' Motion for Summary Judgment (Docket #27, March 31, 2006) have been submitted previously as Exhibits 1-14, attachments to the Brief in Support of the Motion for Summary Judgment, Docket #28, March 31, 2006.

Respectfully submitted,

/s/ Michael D Fiorentino

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Dated: March 28, 2008

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document by electronic means utilizing the Court's CM/ECF system that will serve notice of electronic filing to Mark J. Shaw, Esq., McDonald, Illig, Jones & Britton, LLP, Attorney for Defendants on this 28th day of March, 2008.

/s/ Michael D. Fiorentino

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